

## UNITED STATES DISTRICT COURT

SOUTHERN

District of

FLORIDA

UNITED STATES OF AMERICA

V.

CARLOS SEAFOOD, INC.

AMENDED JUDGMENT IN A CRIMINAL CASE  
(For Organizational Defendants)

CASE NUMBER: 02-20883-CR-MORENO

Daniel H. Forman, Esq./Diane Patrick, AUSA

Defendant Organization's Attorney

Date of Original Judgment: 1/29/03  
(or Date of Last Amended Judgment)

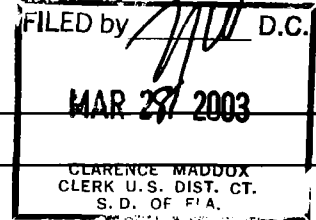
## Reason for Amendment:

- ☐ Correction of Sentence on Remand (Fed. R. Crim. P. 35(a))
- ☐ Reduction of Sentence for Changed Circumstances (Fed. R. Crim. P. 35(b))
- ☐ Correction of Sentence by Sentencing Court (Fed. R. Crim. P. 35(c))

- ☒ Correction of Sentence for Clerical Mistake (Fed. R. Crim. P. 36)
- ☐ Modification of Supervision Conditions (18 U.S.C. §§ 3563(c) or 3583(e))
- ☐ Modification of Restitution Order (18 U.S.C. § 3664)

## THE DEFENDANT ORGANIZATION:

X pleaded guilty to count(s) ONE, TWO &amp; THREE

☐ pleaded nolo contendere to count(s) \_\_\_\_\_  
which was accepted by the court.☐ was found guilty on count(s) \_\_\_\_\_  
after a plea of not guilty.

ACCORDINGLY, the court has adjudicated that the organizational defendant is guilty of the following offense(s):

Title & Section	Nature of Offense	Date Offense Concluded	Count Number(s)
16 U.S.C. § 3372(d)(1) and	importation of seafood into the United States by means of false	11/23/98	ONE
18 U.S.C. § 542	introduction of merchandise into United States commerce	11/23/98	TWO
21 U.S.C. §§331(a) and	introduction of adulterated food into interstate commerce	11/23/98	THREE

The defendant organization is sentenced as provided in pages 2 through 4 of this judgment.

☐ The defendant organization has been found not guilty on count(s) N/A☐ Count(s) N/A ☐ is ☐ are dismissed on the motion of the United States.

IT IS ORDERED that the defendant organization shall notify the United States attorney for this district within 30 days of any change of name, principal business address, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant organization shall notify the court and United States attorney of any material change in the organization's economic circumstances.

Defendant Organization's  
Federal Employer I.D. No.: 59-1863558

Defendant Organization's Principal Business Address:

4041 N.W. 28th Street

Miami, Florida 33142

Defendant Organization's Mailing Address:

4041 N.W. 28th Street

Miami, Florida 33142

January 29, 2003

Date of Imposition of Judgment

Signature of Judicial Officer

FEDERICO A. MORENO, UNITED STATES DISTRICT JUDGE

Name and Title of Judicial Officer

Date

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1K

DEFENDANT ORGANIZATION:  
CASE NUMBER:

### PROBATION

The defendant organization is hereby sentenced to probation for a term of 5 YEARS.

The defendant organization shall not commit another federal, state or local crime.

If this judgment imposes a fine or a restitution obligation, it shall be a condition of probation that the defendant organization pay any such fine or restitution in accordance with the Schedule of Payments set forth in the Criminal Monetary Penalties sheet of this judgment.

The defendant organization shall comply with the standard conditions that have been adopted by this court (set forth below). The defendant organization shall also comply with the additional conditions below or on the attached page (if indicated below).

### STANDARD CONDITIONS OF SUPERVISION

- 1) within thirty days from the date of this judgment, the defendant organization shall designate an official of the organization to act as the organizations's representative and to be the primary contact with the probation officer;
- 2) the defendant organization shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 3) the defendant organization shall notify the probation officer at least ten days prior to any change in principal business or mailing address;
- 4) the defendant organization shall permit a probation officer to visit the organization at any of its operating business sites;
- 5) the defendant organization shall notify the probation officer within seventy-two hours of any criminal prosecution, major civil litigation, or administrative proceeding against the organization;
- 6) the defendant organization shall not dissolve, change its name, or change the name under which it does business unless this judgment and all criminal monetary penalties imposed by this court are either fully satisfied or are equally enforceable against the defendant's successors or assignees;
- 7) the defendant organization shall not waste, nor without permission of the probation officer, sell, assign, or transfer its assets.



**CRIMINAL MONETARY PENALTIES**

3 of 4

The defendant organization shall pay the following total criminal monetary penalties in accordance with the schedule of payments set forth on Sheet 3, Part B.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
<b>TOTALS</b>	\$ 1,200.00	\$ 350,00.00	\$

☐ The determination of restitution is deferred until \_\_\_\_\_. An *Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.

☐ The defendant organization shall make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant organization makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid in full prior to the United States receiving payment.

<u>Name of Payee</u>	<u>*Total Amount of Loss</u>	<u>Amount of Restitution Ordered</u>	<u>Priority Order or Percentage of Payment</u>
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**TOTALS** \$ \_\_\_\_\_ \$ \_\_\_\_\_

☐ If applicable, restitution amount ordered pursuant to plea agreement \$ \_\_\_\_\_

☐ The defendant organization shall pay interest on any fine or restitution of more than \$2,500, unless the fine or restitution is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 3, Part B may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☐ The court determined that the defendant organization does not have the ability to pay interest, and it is ordered that:

☐ the interest requirement is waived for the ☐ fine and/or ☐ restitution.

☐ the interest requirement for the ☐ fine and/or ☐ restitution is modified as follows:

\* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18, United States Code, for offenses committed on or after September 13, 1994 but before April 23, 1996.

AO 245F (Rev. 3/01) Amended Judgment in a Criminal Case for Organizational Defendants  
Sheet 3B — Criminal Monetary Penalties

(NOTE: Identify Changes with Asterisks (\*))

Judgment—Page \_\_\_\_\_ of \_\_\_\_\_

DEFENDANT ORGANIZATION:

CASE NUMBER: 

DEFENDANT ORGANIZATION:

CASE NUMBER:

**SCHEDULE OF PAYMENTS**

Having assessed the organization's ability to pay, payment of the total criminal monetary penalties shall be due as follows:

- A** ☒ Lump sum payment of \$ 1,200.00 due immediately, balance due
- ☐ not later than \_\_\_\_\_, or  
☐ in accordance with ☐ C, ☐ D, or ☐ E below; or
- B** ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ E below); or
- C** ☒ Payment in 350,00.00 (e.g., equal, weekly, monthly, quarterly) installments of \$ 70,000.00 a yr over a period of 5 years (e.g., months or years), to commence 90 days (e.g., 30 or 60 days) after the date of this judgment; or
- D** ☐ Payment in \_\_\_\_\_ (e.g., equal, weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E** ☐ Special instructions regarding the payment of criminal monetary penalties:  
 U.S. Customs Service - 65% of fine amount.  
 U.S. Food and Drug Administration - 20% of Fine amount.  
 National Oceanic & Atmospheric Administration 15% of fine amount.

All criminal monetary penalties are made to the clerk of the court, unless otherwise directed by the court, the probation officer, or the United States attorney.

The defendant organization shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

Defendant Name, Case Number, and Joint and Several Amount:

☐ The defendant organization shall pay the cost of prosecution.☐ The defendant organization shall pay the following court cost(s):☐ The defendant organization shall forfeit the defendant organization's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) community restitution, (6) fine interest (7) penalties, and (8) costs, including cost of prosecution and court costs.